

UNITED STATES DISTRICT COURT: WESTERN DISTRICT OF WISCONSIN

QUORDALIS V SANDERS,
PLAINTIFF,

v

T. MOON, J. MUENCHOW, K. TRENT,
SGT. YORK, and OFF WALLS.

DEFENDANTS.

COMPLAINT NO.

21-cv-94-wmc

PETITION FOR LEAVE/CIVIL COMPLAINT

Plaintiff, Quordalis v. Sanders, a State Prisoner Presently Confined at the Waupun Correctional Institution (WCI), Petition the U.S. District Court Western District of Wisconsin, Pursuant to 28 U.S.C. § 1915 (3), for leave to file a Civil Complaint, herein, the above named Defendants, and to Proceed Informa Papeo, Presenting the following exceptional facts and circumstances that at all times placed an inmate within imminent danger:

Defendant, T. Moon, is presently employed at (WCI) as an Inmate Complaint Examiner (ICE), is responsible the failure to protect and secure the Plaintiff's Personal Safety, herein, the institution at (WCI);

Defendant, J. Muenchow, is also presently employed at (WCI) as an ICE. He also is responsible for the failure to protect the Plaintiff from both physical and sexual harassment by staff here at (WCI);

Defendant, K. Trent, is presently employed at (WCI) as a Security Supervisor, over inmates Property Room (IPR). He is responsible for the unnecessary filing of Inmate Complaint regarding Plaintiff's Personal Property and unjust derivation thereof;

Defendant, Sgt York, is presently employed at (WCI) as a Security Correctional Officer and Sergeant over the (IPR). He is also responsible the negligence of the proper process of personal data in the transaction of the Repair/Exchange, and mailing out of inmates Personal Property back to company consistent with warranty;

Defendant, Off. Walls, is presently employed at (WCI) as a Correctional Security Officer. He is responsible for the delivery of Plaintiff's Personal Property and to have proper advised to others in the Property Room about whether there was any prior transaction for Repair/Exchange of the same property rather than holding back the Plaintiff's Personal Property for 2-days and come back and placed a 90-day hold on the property.

STATEMENT OF CLAIM

On January 7, 2021, I, the Plaintiff, Quondalis V. Sanders, while being confined here at (WCS) within the South Cell Hall (SCF) in F-21, with roomate, John Doe, was physically assaulted and battered and taken to the out-side hospital (Warren Memorial) where I received three stitches within my forehead, from where I where I was hit with the part that you talk on.

Whereas - as although the evidence showed that I didn't do anything wrong to my roomate to cause him to want to have caused physical harm to me, other than I had to have defended myself, upon arriving back in the institution, here at (WCS) from the hospital, I was placed in the seclusion within the Seclusion unit here at (WCS) for a whole week upon being released back to the General Prison's Population on Janu-
-ary 14, 2021, where I was assigned to the North West Cell Hall (NWCH) and placed in cell # 5-39 with another inmate, inmate, John Doe.

On January 23, 2021, upon having been harassed by my roomate, while using the bathroom, I filed an inmate complaint presenting these facts, in combined with the fact that one of the main reason why I was battered, in the first place, by my other roomate, was because I was dou-bled-up, and thus, that the institution had failed to protect me and secure my personal safety, here at (WCS), as a sex offender, in relation to the crime(s) that am in prison upon, where the roomate who assaulted me was/is from the State of New Jersey, and would always say to other inmates that he would be talking to next door in cell # F-20, # 22, that he (was) not to have to and put hands on me in the cell with him because where he from sex offenders could not live or into the General Prison's Population, which I believe this was his motive to have physi-ally assaulted me.

On January 27, 2021, Defendant T. Moon, acting as the (TCI), after her own discretion, falsified the post date upon having received the complaint which should have been the next day (1/24/2021-Monday, where I put it in 1/23/2021-Sunday Night) to have caught up with the date and failure to have undertaken immediate action on my behalf to have protect me and secured my personal safety within the in-stitution, here at (WCS), as a sex offender, where Defendant, Moon, also refused to accept the complaint based upon a "single cell" issue alone, although I had pre-sented the same facts, presented herein in the inmate complaint.

Whereas upon having received a copy of Defendant's Moon's decision (on 1/27/2021), I wrote to my Sister, Anita Sanders, of Racine, Wisconsin, and included the inmate complaint that I had filed and asked her to contact a Civil Rights Attorney or organization to file a Civil Rights Violation against (WCS) for failure to protect and secure my personal safety, as a sex offender, in relation to the crime(s) that am being held

in Prison for, which I haven't received any respond back from my sister, acknowledging that she had got the letter, although the institution suppose to keep a record of everything that can inmate file and should have a copy of the inmate complaint and TCE's decision, which I requested a copy also on February 5, 2021, but Defendants t. Moen and Muenchow has denied.

SECOND STATEMENT OF CLAIM

On January 26, 2021, upon my Personal Property (TV) had came back in the institution, here at (WCC), upon Repair/ Exchange of the first one, Defendant Wells, who are/we the Property officer, who was passing out property upon giving me my (TV), requested that I give him the other (TV), which had already been send out on 12/14/2020, for Repair, and when I told him this, he continued to pressured me about the other (TV), when I was never provided with any receipt from the Property Room, acknowledged in that they had mailed out the other (TV), and thus, I told him that it was his responsibility, as a Property officer, to know between what had happen to the other (TV) upon delivering me the new one, where he then got mad and said "I can take it a whole week and bring it back to you and then ordered that I go back-in my cell" trying to provoke me into became up set, disrespectful and disruptive, so that they can throw me back over in the hole, where the institution here at (WCC) is mad at me because I been successful in staying out of the hole (segregation-unit) since May 5, 2020, upon being released back to the general prison's population, and thus, wanted to try and manipulate the situation to try and have me locked back up in segregation, in retaliation and harassment of me serving time here at (WCC).

Whereas on this same date, I wrote to both the Supervisor of Property and Warden, explaining the situation and instead of them telling Defendant, Wells on the Property Room, to Give me my Property (TV), that he can't hold my TV back because the institution failed to have properly processed the information from the other TV been mailed out, they allowed him to continued to hold on to my TV and harass me, where Defendant, Wells, held my TV back for 2-days and came back and said the same thing, during giving me my TV and placed a 90-day-hold on it because he said that "he couldn't find any paperwork in the Property Room that the other TV had been send out for Repair/ upon Exchange for the new one".

On January 28, 2021, I filed an inmate complaint with the (TCE), here at (WCC), along with the copy of the Property's Receipt of the 90-day-Hold that the Defendant, Wells had provided me with, presenting the same facts presented herein which was acknowledged by the (TCE) on January 29, 2021, as Complaint No. 2021-1680-WCC.

Whereas Defendants, T. Moon and J. Murchison, are the inmate complaint Examiner (TCE), have at (WCT), who both has failure to take immediate actions upon the complaint(s) that I have filed about both my TV and Bed-beds that being held by the Property Room, although I presented other mitigating factors that are in my favor.

Therefore, the cause of action, or lack of that the Defendants, having has chose to undertake by unreasonably having have me use the ICRS system, when all that had to do was check the record and check with the Comptroller (J.L. Marcus) where the TV came from, who would have verified that they had received the other TV for repair and had said the new Hanger, has been undertaken for purposes of "calculated harassment" unrelated to Prison need by utilizing the Prison Rules and Regulations, in violation of the Plaintiff's Eighth Amendment Right Against Cruel and Unusual Punishment of the United States Constitution, which continued to place the Plaintiff within imminent danger to suffer irreparable injury by the unjust deprivation of Personal Property to have caused harassment to the Plaintiff.

Whereas Plaintiff believe strongly that the Defendants, herein, said Staff, have at (WCT), are acting within a criminal conspiracy with the Court System, to purposely harass and violate his constitutional rights, described, herein, in retaliation against him for having exercised his constitutional right(s) to a Jury trial and a Criminal Appeal upon the State criminal conviction(s) and sentence(s) that he was send to Prison for and are being detained in custody upon, in violation(s) of First and Fourteenth Amendments of the United States Constitution.

Whereas on September 29 2018, where Renville County Sheriff's Department and Sheriff had come to transport me to Court #3 I was notified by the Detention-Release officer that I had to go to Court and given five minutes to get ready, Unit-Sergeant, Beahm, came back to my cell to get me and at that time I told him that I had to use the bathroom and instead of him giving me another five or ten minutes to use the bathroom, he stood there right in front of my door, observing me use the bathroom the whole time and after he had got me out of my cell and put me up front in the strip cage, he continued to say something about me having had to use the bathroom before he brought me out of my cell to the Security Supervisor, and when I asked him why was he keep talking about me having had to use the bathroom before he got me out of my cell, he got mad and went and concealed me being going to court and come back and said to me that "I'm placin you back in your cell, your trip has been concealed because of your disruptive, disrespectful behavior toward staff, although I never

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-er received a conduct Report from Sgt. Beshun, nor any other security staff were at (WCI) for disruptive conduct or disrespect.

Whereas on October 3, 2018, appointed Appellate Counsel, Dianne M Erickson, of Milwaukee, Wisconsin, used this same incident between me and Sgt. Beshun to have Postponed and extended the court date in my case (Case No. 16-CF-294 + 466) for which I have continued to be illegally confined in Prison wear, under the false pretense that I failure to provide updated information to the Wisconsin Sex Offender Registry upon having abandoned an Extended supervision from prior conviction(s) in reference to Case No 14-CF-110, in retaliation against me for having exercised my Constitutional right(s) to a Jury trial and appeal upon both criminal prosecution (APP. No. 17-616-CRM; APP. No. 19-1951 and 1952 CRM) which both appeal were improperly dismissed by the Wisconsin State's Court of Appeals, Dist. II, Summary, despite the facts of the case are in my favor, in contrary to Rule 809.21 (2), Wis. Stat and 28 U.S.C. § 2243 (8), Fed Stat, in violation(s) of the First and Fourteenth Amendments of the United States Constitution.

SHORT CLAIM

Defendants, as State employees, of Department of Corrections, here at (WCI) has conspired and continued to conspire within the Criminal Justice System, while acting under color of State law to harass, discriminate, and cause the Plaintiff to be physically assaulted and battered and sexually harassed by staff and other inmates here at (WCI), as a sex offender, in retaliation against the Plaintiff for him having exercised his constitutional right(s) to a Jury trial and Criminal appeal upon both State criminal prosecution relative to his present confinement in state custody, in direct violation(s) of the First and Fourteenth Amendments of United States Constitution, in contrary to 42 U.S.C § 1983, Civil Rights Act, herein.

RELIEF

Plaintiff requests that judgment be entered against each defendant, individually, for injunctive relief, declaratory, and monetary damages for punitive damages in the amount of \$ 1,5,000,000 for the injuries incurred to the Plaintiff. Defendants be prohibited from continuing to withhold personal property of Plaintiff. Plaintiff be released from state custody immediate from upon the false allegations detained therein upon

Dated this 8th day of February, 2021

I declare under penalty of perjury the foregoing is true and correct
I am a valid signature